

MENNO KALMANN et al.
Application No.: 08/809,630
Page 5

PATENT

The Examiner further rejected claims 1-4 as being anticipated by Lentz pursuant to 35 U.S.C. § 102(b), claims 5 and 7-12 as being unpatentable over Lentz in view of Garza pursuant to 35 U.S.C. 103(a) and claim 13 as being anticipated by Lazarus pursuant to 35 U.S.C. 102(e). The original PCT claims were not in congruence with United States practice, so Applicant has herein canceled claims 1-13 and has added new claims 14-34.

Added Claims

Independent claim 14 describes a method for replacing a section of blood vessel inner layer. The method includes the step of removing a section of an inner layer of a blood vessel where the removal creates at least one end flap in the remaining blood vessel inner layer. An artificial blood vessel inner layer is provided comprising, inter alia, at least one end section folded over to create an enclosure which encloses a stent. The artificial blood vessel inner layer, containing the enclosed stent, is inserted into the blood vessel. The method includes the step of retaining the end flap between the end section and the blood vessel by expanding the stent.

In contrast to the present invention, Lentz (5,522,881) discloses an implantable tubular prosthesis having cuffs at each end, with each cuff having a closed end and an open end. Lentz requires that the cuffs be open on one end to allow insertion of a stent either prior to or after the prosthesis is implanted within the patient. (See Col. 4, ln. 43-47; Col. 5, ln. 56-59). Similarly, Lazarus (5,662,700) discloses an artificial graft having staples to affix the graft to a body lumen. The staples comprise wall engaging members that extend through the graft for stapling the graft to the lumen wall. (See Col. 3, ln 55-59, Figs. 1 and 2). Therefore, Lentz and Lazarus fail to disclose or suggest (and in fact teach away from) the step of providing an artificial blood vessel inner layer with a stent enclosed within an end section thereof.

The cited art further fails to disclose or suggest the use of an artificial blood vessel inner layer to retain an end flap existing within a blood vessel as required by claim 14.

MENNO KALMAN, et al.
Application No.: 08/809,630
Page 6

PATENT


Therefore, the cited art fails to anticipate the present invention. For at least these reasons, claim 14 is allowable. Dependent claims 15-33 are allowable for being directed to novel subfeatures of the invention and for depending from an allowable claim.

Independent claim 34 comprises, inter alia, a stent enclosed within an enclosure. Therefore, for at least the reasons previously presented, the cited art fails to anticipate claim 34 and claim 34 is allowable.

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 326-2400.

Respectfully submitted,


Darin J. Gibby
Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(650) 326-2400
Fax 1 (650) 326-2422
JFH:cw f:\data\16380\0061.AM1